

# In the United States Patent & Trademark Office



In re Application of:  
**Dale, R.M.K. *et al.***

Examiner: **Owens, Jr., H.**

Serial No.: **09/223,957**

Art Unit: **1623**

Filed: **December 31, 1998**

Title: **Methods for Nucleic Acid  
Preparation**

Atty Dkt. No.: 03510.118

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**MAR 29 2001**

**OFFICE OF PETITIONS**

## **Declaration of Jeffrey I. Auerbach**

In Support of the Revival of U.S. Patent Application Serial No. 09/223,957

Pursuant to 37 C.F.R. 1.137(b)

Hon. Director of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

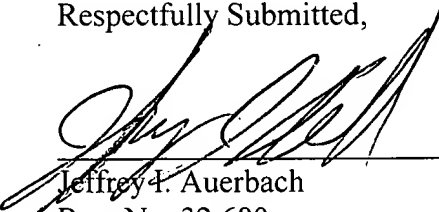
1. In January of 2001, I, Jeffrey I. Auerbach, assumed responsibility for the prosecution of the above-described patent application. In January and February, 2001, I attempted to ascertain the status of the application by calling the Examiner of record in the application.
2. On information and belief, in response to my inquiry, the application files were obtained and reviewed by the Examiner, who determined that the above-described patent application had gone abandoned on February 17, 2000, due to a failure of Applicants prior counsel to respond to the Final Official Action of August 17, 1999. A Notice of Abandonment was accordingly issued on March 2, 2001.
3. I was advised of the abandonment of the application on March 9, 2001 in separate telephone conferences with the Examiner and the Examiner's

Supervisor. I received a copy of the Notice of Abandonment on March 15, 2001. Upon learning of the abandonment of the application, I have diligently sought revival of the application.

3. As established by the concurrently filed Declaration of Karl Bozicevic, the abandonment of the application was unintentional. As also established by such Declaration, the entire delay in filing the required reply from the due date of the reply until the client's transfer of responsibility for prosecution of the application to me was unintentional.
4. The entire delay in filing the required reply from the date of such transfer to the filing of a grantable Petition pursuant to 37 C.F.R. 1.137(b) was unintentional.
5. Thus, the entire delay in filing the required reply from the due date of the reply until the filing of a grantable Petition pursuant to 37 C.F.R. 1.137(b) was unintentional.
6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: 3/27/01  
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Respectfully Submitted,

  
Jeffrey I. Auerbach  
Reg. No. 32,680  
Attorney for Assignee

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## Declaration of Karl Bozicevic

In Support of the Revival of U.S. Patent Application Serial No. 09/223,957

Pursuant to 37 C.F.R. 1.137(b)

Hon. Director of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

1. I, Karl Bozicevic was responsible for the prosecution of the above-described patent application prior to January 2001.
2. It is my understanding that the above-described patent application has been deemed to have gone abandoned on February 17, 2000, due to a failure to respond to the Final Official Action of August 17, 1999 and that a Notice of Abandonment was issued on March 2, 2001, with respect to the above-described patent application. It is my further understanding that the Notice of Abandonment was received by Applicants' present attorneys on March 15, 2001.
3. The abandonment of the application was unintentional. The entire delay in filing the required reply from the due date of the reply until the client's transfer of responsibility for prosecution of the application to the client's

new legal representative, Jeffrey I. Auerbach, in January 2001, was unintentional.

4. As established by the concurrently filed Declaration of Jeffrey I. Auerbach, the entire delay in filing the required reply from the date of such transfer to the filing of a grantable Petition pursuant to 37 C.F.R. 1.137(b) was also unintentional.
5. Thus, the entire delay in filing the required reply from the due date of the reply until the filing of a grantable Petition pursuant to 37 C.F.R. 1.137(b) was unintentional.
6. Upon learning of the abandonment of the application, Applicants' present counsel and I have diligently sought revival of the application
7. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,

Date:

March 20, 2001

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